

EASTERN DISTRICT OF TEXAS

After careful consideration, the court concludes Plaintiff's objections are without merit. In addition to the reasons for dismissal set forth in report and recommendation of the magistrate judge, plaintiff's claims are barred by the applicable statute of limitations. Plaintiff complains about circumstances surrounding his criminal trial and resulting conviction. The conviction about

which Plaintiff complains, however, occurred during 2007.¹ Therefore, Plaintiff's claims are barred by the applicable two year limitations period. *See Price v. City of San Antonio*, 431 F.3d 890, 892 (5th Cir. 2005) (noting that the limitations period for a § 1983 claim is the same as for personal injury actions in the forum state, which in Texas is two years).

ORDER

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 28th day of August, 2013.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

¹ A review of the Offender Information Detail page on the Texas Department of Criminal Justice website reveals Plaintiff's most recent sentence was imposed on October 24, 2007. *See* <http://offender.tdcj.state.tx.us/POSdb2/offenderDetail.action?sid=03638628>.